

Docket No. 030212

Serial No. 10/765,231

**REMARKS**

Claims 1-6 are pending in the present application. Claims 1-6 have been examined and are rejected. In the above amendments, claims 1, 5 and 6 have been amended, and new claims 49-63 have been added. Therefore, after entry of the above amendments, claims 1-6 and 49-63 will be pending in this application. Applicant believes that the present application is now in condition for allowance, which prompt and favorable action is respectfully requested.

**Election/Restrictions**

Applicant elects to prosecute claims 1-6 in Species I. Claims 7-48 in Species II through V have been withdrawn in response to the restriction requirement.

**Rejection of Claims 1, 5 and 6 Under 35 U.S.C. §102(b)**

Claims 1, 5 and 6 stand rejected under 35 U.S.C. §102(b) as being anticipated by Twitchell *et al* (U.S. Patent No. 6,222,483).

Twitchell describes a method and system for supporting GPS location determination using the Internet. An Internet server 56 stores a database 54 of GPS satellite information. (See Fig. 2). Upon request, Internet server 56 provides the GPS satellite information to wireless communication system 48 for transmission to a remote unit 42 over RF link 44. (See column 6, lines 60-65.) Base station 46 within wireless communication system 48 may communicate with remote unit 42 via SMS, IS-707 circuit data, or IS-707 packet data communication protocol (See column 6, lines 14-19.)

Claim 1 of the present invention, as amended, recites:

“A method of using a base station almanac for position determination in a wireless terrestrial communication network, comprising:

storing, for the base station almanac, a plurality of records for a plurality of earthbound transmitting entities in the wireless terrestrial communication network, wherein each of the plurality of records supports at least one protocol for position determination, and wherein the base station almanac supports a plurality of protocols for position determination; and

performing position determination for each of the plurality of protocols based on records supporting the protocol.”

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Applicant submits that claim 1 is not anticipated by Twitchell for at least the following reasons.

First, Twitchell does not describe "storing, for the base station almanac, a plurality of records for a plurality of earthbound transmitting entities in the wireless terrestrial communication network," as recited in claim 1. Rather, Twitchell describes servers 26 and 56 storing satellite information for GPS satellites. (See Figs. 1 and 2, and column 6, lines 56-58.)

Second, Twitchell does not describe "each of the plurality of records supports at least one protocol for position determination" and "the base station almanac supports a plurality of protocols for position determination," as recited in claim 1. The rejection indicates that Twitchell discloses various protocols such as SMS, IS-707 circuit data, and IS-707 packet data. However, SMS and IS-707 are communication protocols for over-the-air communication between base station 46 and remote unit 42. (See column 7, lines 16-18.) Twitchell does not disclose protocols for position determination, which are recited in claim 1.

For at least the above reasons, Applicant submits that claim 1 is not anticipated by Twitchell. Independent claims 5 and 9 have each been amended to recite the features noted above for claim 1. Claims 5 and 6 are thus not anticipated by Twitchell for at least the reasons noted above for claim 1.

Accordingly, the §102(b) rejection of claims 1, 5 and 6 should be withdrawn.

#### Rejection of Claims 2-4 Under 35 U.S.C. §103(a)

Claims 2-4 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Twitchell *et al* (U.S. Patent No. 6,222,483) in view of Zhao (U.S. 2003/0040331). The rejection indicates that Twitchell teaches all of the features of base claim 1 and that Zhao discloses the features of claims 2-4.

Applicant submits that Twitchell does not disclose all of the features of base claim 1, as noted above. Hence, Twitchell is an insufficient basis for the §103(a) rejection of dependent claims 2-4.

Accordingly, the §103(a) rejection of claims 2-4 should be withdrawn.

#### New Claims

New claims 49-63 recite additional features of the invention. Claims 49-51 are dependent on claim 1, claims 52-59 are dependent on claim 5, and claims 60-63 are

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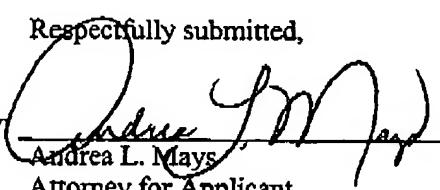
dependent on claim 6. Claims 49-63 are not anticipated by Twitchell for at least the reasons noted for base claim 1.

Applicant therefore respectfully requests that a timely Notice of Allowance be issued in this case.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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